

Article - Estates and Trusts

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§17–105.

(a) In this section, “durable power of attorney” means a power of attorney by which a principal designates another as an attorney in fact or agent and the authority is exercisable notwithstanding the principal’s subsequent disability or incapacity.

(b) This section applies to all powers of attorney.

(c) When a principal designates another as an attorney in fact or agent by a power of attorney in writing, it is a durable power of attorney unless otherwise provided by its terms.

(d) Any act done by the attorney in fact or agent in accordance with the power of attorney during any period of disability or incompetence of the principal or during any period of uncertainty as to whether the principal is dead or alive has the same effect and inures to the benefit of and binds the principal as if the principal were alive, competent, and not disabled.

(e) (1) If a guardian is appointed for the principal, the attorney in fact or agent shall account to the guardian rather than the principal.

(2) The guardian has the same power the principal would have but for the principal’s disability or incompetence to revoke, suspend, or terminate all or any part of the power of attorney or agency.

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